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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) ANTITRUST  
LITIGATION

This Document Relates to:  
ALL DIRECT PURCHASER ACTIONS

Master File No. M-02-1486 PJH (JCS)

MDL No. 1486

**[PROPOSED] ORDER APPROVING  
JOINT NOTICE TO CLASS  
REGARDING PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENTS WITH ELPIDA AND  
NEC DEFENDANTS**

Time: 9:00 a.m.

Date: January 10, 2007

Judge: Hon. Phyllis J. Hamilton

Courtroom: 3, 17<sup>th</sup> Floor

1           The Court, having approved the two settlement agreements (“Settlements”) entered into  
 2 between (i) plaintiffs and defendants Elpida Memory, Inc. and Elpida Memory (USA) Inc.  
 3 (collectively, “Elpida”); and (ii) plaintiffs and defendant NEC Electronics America, Inc. (together  
 4 with Elpida, the “Settling Defendants”), and having issued its order certifying the Class for  
 5 litigation purposes on June 5, 2006, hereby ORDERS:

6           1.       Class Plaintiffs have advised the Court that Class Plaintiffs have recently entered  
 7 into additional settlement agreements with Winbond Electronics Corporation and Winbond  
 8 Electronics Corporation America (collectively “Winbond”), and Micron Technology, Inc.; Micron  
 9 Semiconductor Products, Inc., including through its Crucial Technology division (collectively  
 10 “Micron”).

11          2.       The Court will hold in abeyance issuing an order requiring Class Plaintiffs to send  
 12 notice to the Class of the approval of the settlements with Elpida and NEC and setting a fairness  
 13 hearing.

14          3.       Class Plaintiffs, in consultation with settling defendants, will submit to the Court  
 15 within 14 days their proposal for sending notice to the Class and setting a fairness hearing  
 16 covering the settlements with defendants Elpida, NEC, Winbond and Micron, including the  
 17 advisability of sending out a single notice covering all four settlements.

18           **IT IS SO ORDERED.**

19           Dated: January 10, 2007



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